IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 3282 OF 2003

M/s.Ruchir Enterprises .. Plaintiffs

versus

Century Foods & ors. .. Defendants

...

Mrs.Ratna Bhargave for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 14th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None for the defendant.

2. Perused the affidavit of service dated 6th October 2004 and 7th October 2004 respectively. Despite service, the defendant have not filed appearance. Hence, the plaintiff is entitled to a decree under Order 37 Rule 2(3) of the Code of Civil Procedure.

3. The plaintiff has filed on record original bill of exchange along with a list. Perused the averments made in the plaint and the bill of exchange. The defendant no.2 is the proprietor of defendant no.1 The defendant no.2 drew the bill of exchange which was accepted by defendant no.3. The defendant failed and neglected to make the payment of the bill though the bill was presented for payment. Hence, the plaintiff has filed this suit.

4. The plaintiff has claimed interest at 18% p.a. under section 80 of the Negotiable Instruments Act. In the absence of any appearance by the defendant, the plaintiff is entitled to a decree under Order 37 Rule 2(3) of the Code of Civil procedure. Hence, I pass the following order:-

5. The suit of the plaintiff is decreed. The defendant shall pay to the plaintiff a sum of Rs.64,250/- together with interest at 9% p.a. from the date of the suit till payment and all costs of the suit.

6. Issue Court fee refund certificate as per rules.

D.G. KARNIK, J